

June 7, 2004
Members, Building Code Council

Dear Members of the Council,

I am writing to express extreme concern over an issue that has come to my attention related to the recent adoption of the I-code. As I understand the issue, displaying cut Christmas trees and burning candles will be banned from churches, schools, and other meeting places; and non-electric barbecues will be banned from use in apartments and condominiums that do not have fire suppression systems (sprinklers).

This particular aspect of the international code (Section 308 Open Flames) was not discussed during the legislative process and must not be included in the final rules implemented statewide for a number of reasons:

First and foremost, the International Building Code reforms requested in HB 1734 were intended to allow building codes to be updated and uniform. This update was never intended to reach into the homes of private citizens or churches.

Second, how would these rules be enforced? In the Northwest, our citizens have been safely celebrating Christmas, with Christmas trees, since long before statehood. Additionally, families and friends have been using barbecues in multi-family settings since their inception. It is a natural activity enjoyed by all ages and classes of citizens. Who will be responsible for going from balcony to balcony and living room to living room to remove Christmas trees and barbecues? And, certainly, the thought of law enforcement entering churches to check for the burning of candles threatens our constitutional protections. This is clearly unenforceable since unauthorized searches are not allowed in Washington State.

Third, before Section 308 of the code is to be adopted, it should come before the legislature first to have full, statewide scrutiny to see if it should be adopted by our state.

As I read this section, it appears to be an invasion of the privacy of the citizens we serve, rather than an effort to protect them. It also appears, with appropriate permits, these functions would be allowed, which indicates this section (if adopted) could become very expensive to those who might request a permit.

Please give careful consideration to this issue and do not allow the state to go down this path of unfounded and unreasonable regulation. This is an issue that must stop now.

Thank you for your thoughtful consideration and prompt action on this measure. I would appreciate your response to my concerns.

Sincerely,

Joyce Mulliken
State Senator, 13th Legislative District